

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT LEE CHILDRESS,

Petitioner,

Crim. No.00-80466

v.

HON. GEORGE CARAM STEEH

UNITED STATES OF AMERICA,

Respondent.

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ORDER GRANTING PETITIONER'S MOTION FOR  
EXTENSION OF TIME TO FILE APPEAL (Doc. 117)

On July 3, 2013, this court denied petitioner Robert Lee Childress' motion to vacate his sentence under 28 U.S.C. § 2255 (Doc. 112) and entered judgment for the United States. (Doc. 113). Under Federal Rule of Appellate Procedure 4(a)(1)(B), Childress' appeal of that order was required to be filed within 60 days after entry of that judgment or on or before September 3, 2013. On September 20, 2013, Childress filed a pro se paper entitled, "Request to Reissue Judgment" in which he asks this court to reissue its judgment so that he can file a timely appeal. Childress argues that he missed the September 3, 2013 deadline due to the fact that he was transferred prisons and did not receive a copy of the court's judgment based on an alleged mistake by the Clerk's Office in changing his address on the docket. The court's docket report shows that Childress mailed a notice of his change of address on July 3, 2013, but the notice was not received and docketed until July 10, 2013. (Doc. 115). Childress again transferred prisons, and on August 1, 2013, mailed another change of address to the

court which was received and filed on August 5, 2013. (Doc. 114). Childress does not state when he actually received a copy of the order and judgment entered in this case, but according to this court's docket report, the court mailed a second copy of the July 3, 2013 order and judgment to his new address on September 10, 2013. This court construes his request as a motion to extend the time for filing a notice of appeal.

The district court may extend the time to file a notice of appeal, upon the showing of excusable neglect or good cause, if "a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires." Fed. R. App. P. 4(a)(5)(A). Because Childress has moved for an extension of time within 30-days of the September 3, 2013 deadline for filing his notice of appeal as prescribed by Rule 4(a)(1)(B), and having shown good cause for the extension sought, this court shall grant his motion for an extension of time to file his appeal. Accordingly,

IT IS ORDERED that Childress may file an appeal of the court's July 3, 2013 judgment on or before October 10, 2013.

Dated: September 27, 2013

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 27, 2013, by electronic and/or ordinary mail and also on Robert Lee Childress Jr., #25851-039, FCI Elkton, P. O. Box 10, Lisbon, OH 44432.

s/Barbara Radke  
Deputy Clerk